



Richard Harwood OBE KC

Joint Head of Chambers

Year of call: 1993 | Silk: 2013

Email: richard.harwood@39essex.com

Phone: +44 (0)20 7832 1111

"Richard is an outstanding advocate and knows the planning system like the back of his hand." Chambers and Partners 2022

Richard specialises in planning, environment, art and public law, acting for developers, landowners, central and local government, individuals and interest groups. He appears in the courts, inquiries, examinations and hearings, including frequently in the Planning Court and appellate courts. He has appeared in many of the leading cases of recent years.

His public law work includes local government, procurement and funding decisions. He also deals regularly with art law, particularly with a regulatory focus.

Richard is the author of the standard suite of planning law books Planning Enforcement, Historic Environment Law, Planning Permission and, as co-author, Planning Policy.

A member of the Bar Library, Belfast, he acts regularly in Northern Ireland. Richard is an Attorney-at-Law in Saint Lucia and has appeared recently in the Eastern Caribbean Court of Appeal.

Areas of expertise

Planning and Property

- Compulsory Purchase and Compensation
- Development Consent Orders and Infrastructure
- High Court Planning Challenges
- Highways, Footpaths and Rights of Way
- Planning Appeals, Hearings and Inquiries
- Planning Applications
- Planning Enforcement
- Planning Policymaking

Art and Cultural Property

Energy

Environment

- Environmental Assessment
- Administrative and Public
- Local Government
- Parliamentary

-- High Court Planning Challenges

Richard has acted in over 400 planning cases in the Administrative/Planning Court for claimants, defendants and interested parties. Over 30 have proceeded to substantive appeals in the Court of Appeal. He has also appeared in the Supreme Court and the House of Lords. The cases include the full range of judicial review, challenges to local authority, Inspector and ministerial decisions.

He also appears in the High Court and Court of Appeal in Northern Ireland.

Cases of note

- ***R (Save Stonehenge) v Secretary of State for Transport* [2021] EWHC 2161 (Admin) [2022] P.T.S.R. 74** - Appeared for Historic England in the challenge to the proposed A303 road tunnel under the Stonehenge World Heritage Site. This is a leading case on alternatives in planning cases, briefing ministers and heritage effects.
- ***Dill v Secretary of State for Communities and Local Government* [2020] UKSC 20** - The Supreme Court affirmed the right of persons to challenge public law decisions in resisting enforcement. In that case, an inspector could consider whether lead urns were listed buildings in an enforcement appeal.
- ***R (Holborn Studios Ltd) v London Borough of Hackney* [2017] EWHC 2823 (Admin) and [2020] EWHC 1509 (Admin)** - Protecting Europe's largest photographic studio with two cases that set benchmarks for fairness and disclosure of information in handling planning applications and lobbying.
- ***R (Save Britain's Heritage) v Secretary of State for Communities and Local Government* [2018] EWCA Civ 2137 [2019] 1 WLR 929 (SAVE Paddington)** - Legitimate expectation can be created by a policy the minister has forgotten, and common law duties to give reasons.
- ***R (Holder) v Gedling BC* [2014] EWCA Civ 599 [2014] J.P.L. 1087** - Establishing the relevance of alternatives in green belt cases.
- ***R (Williams) v Powys County Council* [2017] EWCA Civ 427, [2018] 1 W.L.R. 439**
- The approach to wind turbines and the setting of listed buildings and scheduled monuments.

Recommendations

"A superb technical lawyer. His opinions carry weight due to reputation and the various books that he has written on various aspects of the subject. He is also willing to be creative in finding solutions and to work with a team. A very strong litigator." The Legal 500 (2021)

"He is extremely knowledgeable and swift to provide assistance and advice." Chambers and Partners (2022)

"An acknowledged expert and brilliant on listed buildings and heritage issues, he is a superb technical lawyer whose opinions carry weight." The Legal 500 (2021)

"Top of the class knowledge of the subject combined with good pragmatic advice means Richard is a go-to barrister in this field." Chambers High Net Worth (2022)

"Richard is an outstanding advocate and knows the planning system like the back of his hand." Chambers and Partners (2022)

"He always gives excellent and clear advice." Chambers and Partners (2022)

Memberships

- Administrative Law Bar Association
- Bar European Group
- Compulsory Purchase Association
- Institute of Art and Law
- National Infrastructure Planning Association
- Planning and Environment Bar Association
- Professional Advisers to the International Art Market
- UK Environmental Law Association

Qualifications

Education

- 1988-1992 Jesus College, Cambridge, Double First in Law, MA LLM

Scholarships and prizes

- 1990 Jesus College Scholarship
- 1990 E.C.S. Wade Prize for Administrative Law, University of Cambridge
- 1991 Squire Scholarship, University of Cambridge
- 1992 Astbury Scholar and Harmsworth Entrance, Middle Temple

Additional information

Appointments and offices held

- 2004-2010, Member, Advisory Panel on Standards for the Planning Inspectorate (appointed by the planning minister)
- 2007-2010, Deputy Chair, Advisory Panel on Standards for the Planning Inspectorate
- 2015-2016, Member, Local Plans Expert Group (appointed by the planning minister)
- 1998-2006, councillor in a London borough
- 2014: Awarded an OBE for services to planning and environment law decision-making
- 2019 - Joint Head of Chambers, 39 Essex Chambers

Publications

- Planning Enforcement (3rd Edition), Bloomsbury Professional, May 2020 (previous editions, 1996, 2012)
- Planning Policy (with Victoria Hutton), Bloomsbury Professional, January 2018
- Planning Permission, Bloomsbury Professional, February 2016
- Historic Environment Law, Institute of Art and Law October 2012, Supplement May 2014

- Contested Heritage – Removing art from land and historic buildings (with Catherine Dobson and David Sawtell), Law Brief Publishing, May 2022
- Journal of Planning and Environment Law – Case commentator Sweet & Maxwell 2000-2021 Halsbury's Laws of England, Planning (Vols 81, 82, 83) (consultant editor), 2018
- Local Government Contracts and Procurement (contributor) Tottel May 2007
- Planning and Compulsory Purchase Act 2004: A Guide to the New Law (co-author) Law Society 2005
- Contaminated Land: Property Transactions and the New Regime (co-author) EMIS 2000
- Archaeology in Law (contributor) Sweet & Maxwell 1996

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com